

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANDREW KING,

Plaintiff,

v.

ALLEGHENY COUNTY SHERIFF'S  
OFFICE, NEW MARTINSVILLE  
POLICE DEPARTMENT, OFFICER  
JASON K. UTT, OFFICER FRIEND  
ESTEP, NORTHERN REGIONAL  
CORRECTIONAL FACILITY,  
ARRESTING OFFICER VINCENT  
DICENZO, III, NORTH VERSAILLES  
POLICE DEPARTMENT,

Defendants.

2:19cv992

Electronic Filing

**ORDER OF COURT**

AND NOW, this 18<sup>th</sup> day of November, 2020, after *de novo* review of the record and upon due consideration of defendants Northern Regional Correctional Facility, New Martinsville Police Department, Officer Jason K. Utt, and Officer Friend Estep's motions to dismiss for lack of personal jurisdiction, IT IS ORDERED that [10], [24] the motions be, and the same hereby are, granted. The claims against these defendants are dismissed without prejudice to Plaintiff filing a complaint in a court with personal jurisdiction over these defendants;

IT FURTHER IS ORDERED that [16] the motion to dismiss for failure to state a claim filed by the Allegheny County Sheriff's Office and [31] the motion for judgment on the pleadings filed by the North Versailles Police Department be, and the same hereby are, granted. This ruling is without prejudice to Plaintiff filing a complaint naming the correct parties; and

IT FURTHER IS ORDERED that [31] Officer DiCenzo's motion for judgment on the pleadings be, and the same hereby is, granted in part and denied in part. As to the claim under

the Fourth Amendment, the motion is granted without prejudice to Plaintiff's right to amend the complaint. Officer DiCenzo's motion for judgment on the pleadings with respect to a Fourteenth Amendment claim is denied.

The [51] Magistrate Judge's Report and Recommendation of October 5, 2020, is adopted as the opinion of the court.

s/ David Stewart Cercone  
David Stewart Cercone  
Senior United States District Judge

cc: Louis K. Kroeck, IV, Esquire  
Lisa G. Michel, Esquire  
Elizabeth Farina Collura, Esquire  
Francis D. Wymard, Esquire  
Thomas E. Buck, Esquire  
Charles H. Saul, Esquire  
Kyle T. McGee, Esquire

*(Via CM/ECF Electronic Mail)*

Defendant.

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**ORDER OF COURT**

s/ DAVID STEWART CERCONE  
David Stewart Cercone  
Senior United States District Judge

cc:

*(Via CM/ECF Electronic Mail)*